

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: INSULIN PRICING LITIGATION

**Case No. 2:23-md-3080
MDL No. 3080**

**JUDGE BRIAN R. MARTINOTTI
JUDGE RUKHSANAH L. SINGH**

THIS DOCUMENT RELATES TO: ALL ACTIONS

[PROPOSED] CASE MANAGEMENT ORDER #

**(ORDER GOVERNING MOTIONS TO DISMISS
IN THE STATE ATTORNEY GENERAL TRACK)**

This Order sets forth the procedure and timeline for initial motion practice pursuant to Federal Rule of Civil Procedure 12(b) in the State AG Track cases.¹ Unless provided for herein, no other Rule 12 motions may be filed in any State AG case at this time.

(1) The parties shall refile the following Rule 12 motions and all related exhibits, responses, and replies in the following State AG cases:

- a. *Illinois ex rel. Raoul v. Eli Lilly & Co. et al.*, No. 2:23-cv-04242 (D.N.J.), Dkt. Nos. 49–50, 52–53, 55–56, 59–62, 83–87, 100–104.
- b. *Montana ex rel. Knudsen v. Eli Lilly & Co. et al.*, No. 2:23-cv-04214 (D.N.J.), Dkt. Nos. 84–90, 94–97, 109–113, 128–132.

¹ See Case Management Order No. 3, Dkt. No. 34 at § II(2) (establishing the State AG Track and appointing Co-Lead Counsel). The cases currently pending in the State AG Track and subject to this order are set forth in the appendix attached hereto.

- (2) On or before April 24, 2024, the Manufacturer Defendants, collectively, and the PBM Defendants, collectively, each will file a single, supplemental brief, not to exceed 7 pages per state (*i.e.*, 14 pages total).
- (3) On or before May 24, 2024, Plaintiffs will file a response to the Manufacturer Defendants' supplemental brief and a response to the PBM Defendants' supplemental brief. Each response shall not exceed 14 pages.
- (4) No replies or further briefing is permitted.
- (5) All briefing will be exchanged among the parties on the appointed dates. Upon completion, the parties will submit the underlying motions in the *Illinois* and *Montana* cases, along with the supplemental briefs, as a single, omnibus briefing packet.

IT IS SO ORDERED.

Dated:

BRIAN R. MARTINOTTI
United States District Judge

Appendix

State AG Track cases as of April 4, 2024:

1. *Montana ex rel. Knudsen v. Eli Lilly & Co., et al.*, No. 2:23-cv-04214 (D.N.J.).
2. *Kansas ex rel. Kobach v. Eli Lilly & Co., et al.*, No. 2:23-cv-04219 (D.N.J.).
3. *Arkansas ex rel. Griffin v. Eli Lilly & Co., et al.*, No. 2:23-cv-04239 (D.N.J.).
4. *Illinois ex rel. Raoul v. Eli Lilly & Co., et al.*, No. 2:23-cv-04242 (D.N.J.).
5. *Mississippi ex rel. Fitch v. Eli Lilly & Co., et al.*, No. 2:23-cv-04364 (D.N.J.).
6. *Kentucky ex rel. Cameron v. Eli Lilly & Co., et al.*, No. 2:23-cv-21374 (D.N.J.).
7. *State of Louisiana v. Sanofi-Aventis U.S. LLC, et al.*, No. 2:23-cv-22978 (D.N.J.).
8. *Arizona ex rel. Mayes v. Eli Lilly & Co., et al.*, No. 2:24-cv-00260 (D.N.J.).
9. *State of Utah v. Eli Lilly & Co., et al.*, No. 2:24-cv-00536 (D.N.J.).